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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
KENNETH GASSMAN,)
)
Defendant.)
_____)

Case 3:98-CR-179-05-JWS

KENNETH GASSMAN'S SENTENCING MEMORANDUM

Defendant, Kenneth Gassman, by and through counsel, submits the following sentencing memoranda, as required by D.AK.LR 32.1(d).

1. Gassman's only substantive disagreement with the Presentence Investigation Report is whether he qualifies for a downward adjustment of two levels pursuant to U.S.S.G. § 5 C1.2, 'Safety Valve'. There is no dispute that Gassman has satisfied the first four prongs. Gassman also satisfies the fifth prong and is entitled to a two level downward adjustment. He was interviewed multiple times by the government in 1999 as laid out in attachment 'A' of the Presentence Investigation Report. Gassman still agrees with his statements and does not dispute any of the statements contained in attachment 'A'. This

includes statements of witnesses and long since sentenced Co-Defendants which detail his involvement in the offense. Additionally, Gassman will submit a proffer to the Government prior to sentencing which will independently satisfy the requirements of 5 C1.2.

2. The appropriate offense level for sentencing is 24 not 26. Gassman respectfully requests that this court sentence him at the low end of this range.
3. There are no other disputed guideline issues, and no request to depart from the guidelines.

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Certification of Service: I hereby certify that on the 16th day of October, 2007, the foregoing Sentencing Memorandum was served electronically to counsel of record.

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